

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

Mary Smith *on behalf of* James Perea,

Case No.: 2:23-cv-00092-JAD-NJK

Plaintiff

**Order**

v.

Las Vegas Metropolitan Police Department,  
 et al.,

Defendants

Plaintiff Mary Smith, who is the special administrator of the estate of James Perea, brings this counseled civil-rights action under 42 U.S.C. § 1983.<sup>1</sup> Smith paid the \$402 filing fee for a civil action.<sup>2</sup> Although the complaint alleges conditions-of-confinement violations and wrongful death within the Clark County Detention Center, this case is not subject to the screening requirements of 28 U.S.C. § 1915,<sup>3</sup> so it will now proceed to the normal litigation track.

Dated: February 23, 2023

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 U.S. District Judge

<sup>1</sup> ECF No. 4 (corrected image of complaint).

<sup>2</sup> ECF No. 8.

<sup>3</sup> See generally 28 U.S.C. § 1915A (screening applies when a prisoner files a complaint); see *Olivas v. Nevada ex rel. Dep't of Corr.*, 856 F.3d 1281, 1282 (9th Cir. 2017) (holding that “28 U.S.C. § 1915A applies only to claims brought by individuals incarcerated at the time they file their complaints”); see *Lopez v. Smith*, 203 F.3d 1122, 1126, 1129 (9th Cir. 2000) (recognizing that screening under 28 U.S.C. § 1915(e) applies to actions filed *in forma pauperis* whether or not the plaintiff is incarcerated).